system is claimed as Germanic in origin on the ground of its prevalence to the east and south of the Weser; the Kentish system, on the other hand, is held to bear traces of Roman origin. The conclusions based upon these findings are modestly stated. The author fully recognizes the gulf of seven centuries which separates the Germanic conquest of Britain from the earliest period of satisfactory records. Yet he is entitled to make deductions where earlier writers have hazarded them from far less complete data. The evidence of land systems, so he states, implies that Roman influence was longest felt in southeastern England where there was probably a considerable survival of Celtic serfs. In the great area of the two-field and three-field system Germanic conquest was of a thoroughgoing nature. In the district where Celtic agrarian usage was retained the process of subjugation is known to have been slow and difficult. Such is the trend of the latest expert opinion based upon the tracing of our most promising clue to the character and conditions of the Anglo-Saxon conquest.

W. A. Morris.

A History of Mediaeval Political Theory in the West. By Sir R. W. Carlyle, K.C.S.I., C.I.E., and A. J. Carlyle, M.A., D.Litt., Lecturer in Politics and Economics, University College, Oxford. Volume III. *Political Theory from the Tenth Century to the Thirteenth.* By A. J. Carlyle. (Edinburgh and London: William Blackwood and Sons. 1915. Pp. xvii, 201.)

This is the third volume of a work the first two of which have already been reviewed in this journal (X. 629; XV. 836). The first volume dealt with political theories from the second century to the ninth, the second with those of the Roman lawyers and canonists, and the third was to have dealt with political theory from the tenth to the thirteenth century. The authors concluded, however (p. 17), "that the adequate treatment of the subjects has required so much space that we have decided to deal with feudalism and the general political ideas in this volume, and with the relations of the temporal and spiritual powers in the next".

So the present volume is devoted to a treatment of "the influence of feudalism on political theory" in which such subjects as personal loyalty, justice and law, source and maintenance of law, are taken up, and to "political theory in the eleventh and twelfth centuries", under which natural law and equality, the divine nature and moral function of political authority, divine right, justice and law, the social contract and universal empire are considered.

In the part on feudalism the author combats the only too prevalent notion drawn mostly from the abuses of feudal survivals of the times of Louis XIV. and the absolute monarchs. "There is still a vulgar impression that in the Middle Ages men looked upon authority as irre-

sponsible " (p. 30). After showing that such was not the case either in theory or fact, he concludes: " Whatever else may be said about it, one thing is clear, and that is that feudalism represents the antithesis to the conception of an autocratic or absolute government" (p. 74). "The authority of the lady or lord is only an authority to do law or justice . . . they have no authority to behave unjustly " (p. 32). The king " is under the law, for the law makes the king ". Feudalism's " main influence went to further the growth of the principle that the community is governed by law, and that the ruler as much as the subject is bound to obey the law " (p. 86).

To the medieval mind law was custom, but we are inclined to take issue with the author in his statement (pp. 44–46) that it was as late as the thirteenth century that men began only faintly to conceive of laws being made by the prince and his wise men without particular reference to custom.

Of divine right Mr. Carlyle says: " The writers of these centuries are practically unanimous in maintaining that the authority of the king or emperor is derived from God" (p. 100), and that it is "his function to secure the establishment and maintenance of justice ". A ruler who does not do justice, however, is not a king but a tyrant and may be resisted (pp. 116, 126, 143). By this clever turn the right of resistance was upheld, and even though some writers held to the theory of non-resistance " it was not the normal theory of the Middle Ages " (p. 125). Though the king got his power from God, any particular king got his from the community by election, and certainly "the conception of a strictly hereditary right to monarchy is not a medieval conception" (p. 150).

The quality of this volume is not up to the standard of the first two. An excusable amount of repetition in those, in this becomes an absolute abuse. Perhaps the nervous strain under which most writers in Europe must be doing their work may account for this.

On page 156 the author falls into the error of deriving from certain events narrated by Lambert of Hersfeld theories which Lambert may or may not have drawn. On pages 166 and 168 he still adheres to a position taken in his earlier volume (II. 63) that the social contract was first enunciated by Manegold of Lautenbach in the eleventh century and on page 12 he dismisses St. Augustine's " pactum obedire regibus " as not pertinent. He more or less justifies this by contending that Manegold's idea of the social contract " is not constructed upon some quasi-historical conception of the beginnings of political society, but rather represents . . . the principle of the medieval state as embodied in . . . reciprocal oaths " (p. 168). In spite of this, however, it may be safely said that the theory of a *pactum* between subjects and their ruler was in existence earlier than Manegold and the particular turn which he gave it does not make him the creator of it.

Some minor errors may be noted, such as the loose construction of

the last sentence on page 169. The author's greatest fault in this volume, as in his first, is the prejudice which he seems to have against citing secondary authorities. On page 114, for example, why should he not tell us who it is that makes "the complete mistake" of saying that the medieval theorists doubted the divine origin of the State or that it had an ethical end? In spite of these shortcomings, however, the book still remains a distinct contribution to the subject.

<div style="text-align: right">JAMES SULLIVAN.</div>

Recueil d'Actes relatifs à l'Administration des Rois d'Angleterre en Guyenne au XIIIᵉ Siècle (Recogniciones Feodorum in Aquitania). Transcrits et publiés par CHARLES BÉMONT, Directeur adjoint à l'École Pratique des Hautes Études. [Documents Inédits sur l'Histoire de France.] (Paris: Imprimerie Nationale. 1914. Pp. lxxv, 475.)

THE task of the reviewer of any work from the pen of so eminent an historian as M. Bémont must of necessity be in the main descriptive. In the present work he has published for the first time in a complete form a manuscript of the first importance for the study of the history of Gascony under the English rule.

The early portion of the thirteenth century was a period of much turmoil in Gascony. Wars between the English and the French, civil wars between towns, factions, and nobles, revolts against the English king, followed each other with scarcely any intervals of peace. Henry III., whose authority was never very securely established, finally in 1252 made over his rights in the province to his son Edward. The prince did not make his appearance in his new possession till the years 1254–1255, when he came to crush a revolt and re-establish—or try to re-establish—order.

One of the first steps in the direction of order would be to ascertain in some definite manner what the royal rights actually were. For this purpose Edward directed a sort of census, requiring all who held from the king to make a statement on oath of the nature and extent of their holdings and of the obligations which they entailed. This statement was to be made before the king or his representatives, was to be reduced to writing by a notary, and subscribed by witnesses. Communes were thus to declare the privileges they held and to acknowledge their obligations toward their suzerain.

Such an undertaking under medieval conditions could not be carried out at once. Edward indeed seems to have begun the process during his visit in 1254–1255, and to have urged it on in his absence. In 1274 a particularly widespread set of such declarations was gathered. Finally, between 1281 and 1294, all these declarations were gathered up and copied into a cartulary by several scribes along with some other matter of the same character and some documents of a different sort.